

## **CHAPTER 10**

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## **ARTICLE 10-4**

### **Model Traffic Code**

#### **Sec. 10-4-10. Short title.**

This Article and the code herein adopted shall be known and cited as the *Municipal Traffic Code of Brighton, Colorado*, and all references throughout this Article to *the Code* or to *this Article* shall be construed to include the code adopted herein by reference. (Ord. 998 §1(part), 1979; Ord. 1498 §1, 1997)

#### **Sec. 10-4-20. Adoption.**

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the 1995 edition of the *Model Traffic Code for Colorado Municipalities*, promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Projects Branch, 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. One (1) copy of the Model Traffic Code adopted herein is now filed in the office of the City Clerk, and may be inspected during regular business hours. (Ord. 998 §1(part), 1979; Ord. 1498 §2, 1997; Ord. 1589, 1999)

#### **Sec. 10-4-40. Penalties.**

The following penalties, set forth in full, shall apply to this Article.

- (1) It is unlawful for any person to violate any of the provisions adopted in this Article.
- (2) Every person convicted of a violation of any provision adopted in this Article shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding three hundred sixty-five (365) days, or by both such fine and imprisonment. (Ord. 998 §1(part), 1979; Ord. 1428 §2, 1992; Ord. 1498 §4, 1997)

#### **Sec. 10-4-50. Application.**

This Article shall apply to every street, alley, sidewalk, area, driveway, park and every other public way, public place or public parking area, whether within or outside the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate. The provisions of Sections 1211, 1401 and 1413 and Part 16 of the adopted Model Traffic Code respectively concerning limitations on backing, reckless driving, careless driving, eluding a police officer, accidents and accident reports shall apply not only to public places and ways but also throughout the City. (Ord. 998 §1(part), 1979; Ord. 1498 §5, 1997; Ord. 1589, 1999)

#### **Sec. 10-4-60. Interpretation.**

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this Article and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof. (Ord. 998 §1(part), 1979; Ord. 1498 §6, 1997)

**Sec. 10-4-70. City Clerk's certification and posting.**

The City Clerk shall certify to the passage of the ordinance codified in this Article and make not less than one (1) copy of the adopted code available for inspection by the public during regular business hours. (Ord. 998 §1(part), 1979; Ord. 1498 §7, 1997; Ord. 1589, 1999)

**Sec. 10-4-80. Validity.**

If any part of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have passed the ordinance codified in this Article and each part thereof, irrespective of the fact that any one (1) part is declared unlawful. (Ord. 1498 §8, 1997)

**Sec. 10-4-90. Repeal.**

Existing or parts of ordinances or code sections covering the same matters as embraced in this Article are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Article are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Article. (Ord. 1498 §9, 1997)

**ARTICLE 10-5**

**Parking on Private Property**

**Sec. 10-5-10. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

(1) *Implied consent* shall be deemed to have been given persons parking their vehicles in privately owned parking lots open for public use when persons park vehicles in such parking lots for the purpose of patronizing or otherwise associating with the entities or businesses at such sites. It shall be prima facie evidence that a person parking a vehicle did not have the implied consent of the owner, manager or person in lawful possession or control of the parking lot to so park if:

a. The business and entity associated with the parking area is closed, or the person parking the vehicle did not during the period of parking in such parking lot patronize a business or businesses associated with the parking area;

b. The vehicle is parked in an area specifically marked to prohibit parking; or

c. The vehicle is parked in violation of specifically marked spaces allocated in apartment or condominium complex parking areas.

(2) *Vehicle* means and includes motor vehicles, as defined under Colorado law, and trailers, truck trailers, recreational trailers, wagons, carts, mobile homes, boats, boat trailers, tent trailers, horse trailers, minihomes, Class A motor homes and detached pickup campers. (Ord. 1233 §1(part), 1986; Ord. 1589, 1999)

**Sec. 10-5-20. Parking on private property restricted.**

It is unlawful for any person to keep, store or park a vehicle, as defined in this Article, whether occupied or not (otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading deliveries), in a private driveway, school parking lot, condominium complex parking lot, business parking lot, or on otherwise private property without the express or implied consent of the owner, manager or person in lawful possession or control of such property. (Ord. 1233 §1(part), 1986)

**Sec. 10-5-30. Vehicle subject to tow.**

(a) Any vehicle parked in violation of this Article which blocks the movement of other vehicles parked in the immediate vicinity or moving through the immediate vicinity, or parked in such a manner as to block driveways, exits, access to garages or the movement of other vehicles in parking areas regulated hereunder, is subject to tow regardless of whether or not the subject parking area is posted regarding towing of illegally parked vehicles.

(b) When permanent signs are posted on property described in Section 10-5-20 in substantial compliance with the Uniform Traffic Control Device Manual of the City, in a conspicuous location warning persons parking vehicles that improperly parked vehicles on such property are subject to tow, vehicles parked in violation of this Article shall be subject to immediate removal and disposition by the City in accordance with the provisions of Part 16, Article 4 of Title 42, C.R.S., relative to removal and disposition of vehicles by and under authority of the City. (Ord. 1233 §1(part), 1986)

**Sec. 10-5-40. Enforcement.**

This Article is in addition to the tow remedies provided for herein, and shall be enforced by any police officer or code enforcement officer of the City by issuance of a summons and complaint pursuant to established parking violation procedures as provided in Article 10-11 of this Code. (Ord. 1233 §1(part), 1986)

**ARTICLE 10-6**

**Fire Lanes**

**Sec. 10-6-10. Restrictions on use of designated fire lanes.**

No person shall stop, stand, or park a vehicle or permit a vehicle to be stopped or parked within a designated fire lane on any street, private way, parking lot or at any other place within the City. (Ord. 1234 §1(part), 1986)

**Sec. 10-6-20. Designated fire lane defined.**

*Designated fire lane*, as used in this Article, means a location determined by the Fire Chief, and marked with an official sign in order to provide access for fire-fighting equipment. (Ord. 1234 §1(part), 1986; Ord. 1589, 1999)

**Sec. 10-6-30. Traffic sign.**

A standard traffic parking sign erected in the City to designate a fire lane is presumed to be an official sign unless otherwise shown by competent evidence. (Ord. 1234 §1(part), 1986)

## **ARTICLE 10-7**

### **Recreational Vehicles**

#### **Sec. 10-7-10. Prohibition of recreational vehicles on public rights-of-way.**

No boat, boat trailer, trailer, travel trailer, tent trailer, horse trailer, minihome, Class A motor home or detached pickup camper shell shall be kept, stored or parked on any public right-of-way or on any right-of-way or street within a mobile home park for a period in excess of forty-eight (48) hours. (Ord. 1380 §1(part), 1991)

#### **Sec. 10-7-20. Recreational vehicles on private property.**

No boat, boat trailer, trailer, travel trailer, tent trailer, horse trailer, minihome, Class A motor home or detached pickup camper shell shall be kept, stored or parked in the front setback of any property within four (4) lineal feet of the inside edge of the sidewalk or within four (4) feet of the property line where no sidewalks exist. (Ord. 1380 §1(part), 1991)

#### **Sec. 10-7-30. Violations; penalty.**

Any person convicted of a violation of this Article may be punishable as provided by Article 1-24 of this Code. (Ord. 1380 §1(part), 1991; Ord. 1589, 1999)

## **ARTICLE 10-8**

### **Inoperable Vehicles**

#### **Sec. 10-8-10. Inoperable vehicles prohibited.**

(a) The purpose of this Article is to protect the public health, safety and welfare by prohibiting the outdoor storage of abandoned or inoperable vehicles on public or private property within the City, and to establish procedures for removing from such property any vehicle that is abandoned or inoperable, obstructs traffic, is so defective as to pose a safety hazard, is involved in criminal conduct, or whose impoundment is otherwise authorized by this Article or any other applicable law, including but not limited to the provisions of Sections 42-4-1801 et seq., and 42-4-2101 et seq., C.R.S. No person shall abandon, leave, junk, discard, store or place any inoperable vehicle upon property within the City in violation of this Article, unless such placement or storage is expressly permitted upon such property by the applicable zoning regulations of the City in effect at the time of such placement or storage.

(b) The outdoor placement or storage of any abandoned, lost, stolen, junked, wrecked, discarded or inoperable vehicle, as such terms are used in this Article, upon any real property within the City not specifically zoned for such purpose, or upon any street, alley or public or private right-of-way within the City, or the keeping of any partially wrecked, junked, inoperable or unlicensed vehicle or parts thereof on any property within the City, is unlawful and is hereby declared a nuisance. It shall be unlawful for any person who is the owner of any vehicle or any person who is in charge or control of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, to cause, permit or allow any partially wrecked, junked, inoperable or unlicensed vehicle or parts thereof to remain on such property in violation of this Article. (Ord. 1236 §1(part), 1986; Ord. 1335 §2, 1989; Ord. 1778 §1, 2003)

#### **Sec. 10-8-20. Definitions.**

*Abandoned vehicle* means any vehicle that is stored, placed or otherwise left upon property within the City for a period of twenty-four (24) hours or more, without the actual knowledge and consent of the owner or lessee of such property. Any vehicle so stored, placed or left upon such property for a period of twenty-four (24) hours or more without the actual knowledge and consent of the property owner or lessee shall be presumed abandoned.

*Antique vehicle* means any vehicle meeting the definition of a collector's item under State law, and valued principally because of its early date of manufacture, design or historical interest or significance, and bearing current and valid collector's plates.

*Inoperable vehicle* means any motor vehicle not capable of being promptly started and driven under its own power upon a street or highway.

*Property* means any real property within the City, whether public or private, that is not an established street or highway.

*Unlicensed vehicle* means any motor vehicle not bearing current and valid license plates or other evidence of current and valid registration.

*Vehicle* means any automobile, motor vehicle or mechanically propelled device designed to travel along the ground by the use of wheels, treads, runners or slides, that may be used to transport persons or property, or to operate or pull machinery or trailers, and shall include without limitation: cars, trucks, RVs, trailers, aircraft, motorcycles, motor scooters, tractors, farm equipment, power equipment, buggies and wagons. (Ord. 1236 §1(part), 1986; Ord. 1778 §1, 2003)

#### **Sec. 10-8-30. Prima facie evidence of abandoned or inoperable vehicle; presumptions.**

(a) Any vehicle that is stored, placed or otherwise left upon property within the City for a period of twenty-four (24) hours or more, without the actual knowledge and consent of the owner or lessee of such property, shall be presumed abandoned under this Article.

(b) Any vehicle that has been parked in the same location for a period of thirty (30) consecutive days or more shall be presumed inoperable under this Article. Any vehicle not bearing current and valid license plates or other evidence of current and valid registration shall be presumed inoperable under this Article. Any vehicle that is dismantled, in whole or in part, or is otherwise damaged, in disrepair or lacking equipment to the extent that it would be unlawful or unsafe to operate on public streets or highways, shall be presumed inoperable under this Article. (Ord. 1236 §1(part), 1986; Ord. 1778 §1, 2003)

#### **Sec. 10-8-40. Prohibited storage or placement of vehicles.**

(a) No person shall store, place, suffer, permit or cause to be stored or placed upon any property within the City, including, but not limited to, any street, highway, alleyway or other right-of-way, any vehicle that violates this Article or any vehicle that otherwise constitutes a nuisance as provided by this Article, except as may be provided herein or under the zoning regulations of the City. Any vehicle found so stored or placed shall be presumed to have been so stored or placed there by the registered owner of the vehicle and shall be subject to immediate removal and impoundment by the City as provided in this Article.

(b) For purposes of enforcement of this Article, all adult persons residing in a single-family residence shall be deemed to be in control of the property upon which the residence is located. Apartment complex or other multi-family parking lot areas, common areas or grounds shall be deemed to be under the control of the record owner of the complex and/or of any manager of such complex. Any vehicle found upon the parking lot areas, common areas or grounds of a condominium complex shall be deemed to be under the control of the registered owner of such vehicle and/or any manager of such complex or officer of the condominium association. (Ord. 1236 §1(part), 1986; Ord. 1589, 1999; Ord. 1778 §1, 2003)

**Sec. 10-8-50. Authority of City to investigate, abate, remove or impound vehicles.**

(a) The City Manager or his or her designee, including, but not limited to the Chief of Police or his or her designee or the Community Development Director or his or her designee, is hereby authorized to investigate any vehicle located at any place within the City that reasonably appears to be in violation of this Article or is lost, stolen or unclaimed.

(b) Such officials of the City are authorized to go onto private property for the purpose of making an investigation into any violation of this Article and for the purpose of determining ownership and condition of any vehicle reasonably appearing to be in violation of any provision of this Article.

(c) Such officials of the City are authorized to enforce the terms and provisions of this Article, to remove or cause to be removed a vehicle from any public or private property in the City, and thereafter to impound or cause such vehicle to be impounded as provided by this Article, when it reasonably appears to such official that:

- (1) A vehicle is in violation of this Article;
- (2) A vehicle is situated in a manner that obstructs the normal movement of traffic or creates a hazard to other traffic on a public street, alley or parking lot, and the person in possession of the vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal;
- (3) A vehicle being operated on a street, highway or alleyway is so defective as to pose a hazard to public safety;
- (4) A vehicle is found unattended and situated in a manner that obstructs or interferes with the commencement or ongoing operation of a public works construction, maintenance or repair project or emergency situation;
- (5) The driver of the vehicle is taken into custody by the Police Department or a peace officer;
- (6) Removal of the vehicle is necessary in the interest of public health or safety because of fire, flood, snow, storm or other emergency, and the person in possession of such vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal;
- (7) There is probable cause to believe that the operator's license of the driver or person in possession of the vehicle is suspended, revoked, denied or cancelled;
- (8) There is probable cause to believe that the vehicle is stolen;



(9) A vehicle blocks ingress to or egress from a public or private driveway, alleyway, street or highway and the person in possession of such vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal;

(10) A vehicle has been found upon property in a signed or designated "no parking" or "tow away" or "fire lane" zone, or is found in a space designated for "handicapped" or "disabled" parking without displaying a current and valid placard or license plate required for that purpose, and the person in possession of such vehicle is not present or is unwilling or unable to lawfully provide for its immediate removal; or

(11) There is probable cause to believe that a vehicle is being vandalized, looted or its parts are being stolen or removed, and reasonable inquiries have been made upon abutting property in an effort to locate the person in possession of the vehicle. (Ord. 1236 §1(part), 1986; Ord. 1778 §1, 2003)

#### **Sec. 10-8-60. Exceptions.**

This Article shall not apply to the following situations:

(1) To the outdoor placement or storage of inoperable vehicles on property within the City where such placement or storage upon such property is specifically permitted under the zoning ordinances of the City, including variances or permits validly obtained through the processes provided for in the City's zoning ordinances; and

(2) To antique vehicles bearing current and valid license plates as provided in this Article; and provided that such antique vehicles, if inoperable, shall be screened from ordinary public view, or may remain unscreened if located within a garage. (Ord. 1304 §1, 1988; Ord. 1778 §1, 2003)

#### **Sec. 10-8-70. Enforcement and penalties.**

(a) Any person found operating or otherwise in possession or control of a vehicle that is in violation of any provision of this Article, or the owner of such vehicle if the person found operating or in possession or control of the vehicle is not the owner, or the owner or lessee of property upon which such vehicle is found, shall be punishable by a fine of not more than five hundred dollars (\$500.00) for each violation or by incarceration of not more than ninety (90) days for each violation, or both. No notice or warning of such violation shall be required prior to a criminal prosecution for violation of this Article, and such prosecution may occur regardless of whether impoundment or nuisance abatement procedures have or have not been commenced.

(b) In the event that the owner or person in possession or control of a vehicle or the owner, tenant, occupant or person in control of property upon which a vehicle is found, is not present or is otherwise unwilling or unable to lawfully provide for the vehicle's immediate removal, then a summons and complaint alleging the violation of this Article may be issued against the vehicle, reasonably describing the same by make, model and color and/or by year and VIN number, if known or readily ascertainable. (Ord. 1335 §3, 1989; Ord. 1589, 1999; Ord. 1778 §1, 2003)

## **ARTICLE 10-9**

### **Parking of Oversized Vehicles**

#### **Sec. 10-9-10. Keeping, storing or parking of certain vehicles.**

It is unlawful for any person to park, keep or store any truck tractor, tractor trailer, semitrailer, truck of two (2) tons carrying capacity or more, construction equipment or tow truck on any public right-of-way in the City or on private property in any residential zone district or mobile home park district in the City, except while the operator of such vehicle is making deliveries in the normal course of business, the vehicle is being used in conjunction with construction on or adjacent to the location of such vehicle, the vehicle is stopped for emergency repairs, or the vehicle is being utilized as an on-call response vehicle by a public utility, or except for a truck trailer that is parked or kept within a structure that is in existence on the effective date of the ordinance codified in this Article. (Ord. 1237 §1(part), 1986)

#### **Sec. 10-9-20. Nuisance.**

The keeping, storing or parking of such vehicle in violation of Section 10-9-10 is declared to be a nuisance. (Ord. 1237 §1(part), 1986)

#### **Sec. 10-9-30. Abatement.**

Any vehicle found in violation of Section 10-9-10 shall be presumed to have been parked or stored there by the registered owner of the vehicle and shall be subject to immediate removal and disposition in accord with the provisions of Part 16, Article 4, of Title 42, C.R.S., relative to removal and disposition of vehicles by and under the authority of the City. (Ord. 1237 §1(part), 1986)

## **ARTICLE 10-10**

### **Permits for Parking of Vehicles**

#### **Sec. 10-10-10. Permit authorized.**

A permit for the parking on private property for those vehicles restricted pursuant to Articles 10-7 and 10-8 of this Code may be granted as provided in this Article, except that no such permit shall be granted for the parking of any trailer or mobile home prohibited by a zoning ordinance of the City. (Ord. 1238 §1(part), 1986)

#### **Sec. 10-10-20. Vehicle defined.**

For purposes of this Article, *vehicle* means and includes boat/boat trailer, trailer, travel trailer, tent trailer, horse trailer, minihome, Class A mobile home, detached pickup camper and every vehicle as defined in Article 10-8. (Ord. 1238 §1(part), 1986)

#### **Sec. 10-10-30. Conditions for issuance of permit.**

The following conditions shall apply for all permits issued pursuant to this Article:

- (1) Such permit shall be granted only for the property at which the applicant resides.

(2) The permit shall be valid only for the specific vehicle described in the application and the specific location for which it is granted. Any change of vehicle or of location shall require a new application.

(3) Only two (2) such permits shall be allowed for a residence at any one (1) time.

(4) The vehicle authorized by permit shall be parked on a durable and dustless surface described as follows: concrete and asphalt, or the equivalent, including river rock where previously installed and properly maintained and contained (small gravel and cut asphalt shingles are not acceptable); where a parking area does not have direct access to a public street (that is, the parking area gets its access from an existing on-site concrete or asphalt drive); and large gravel is acceptable provided that the material is of a sufficient size and depth to provide a durable surface and the area is properly maintained and contained.

(5) No part of the vehicle shall extend beyond any lot line, obstruct any public or private walk or block access of emergency equipment to the side and rear yards of the property.

(6) When the vehicle is parked, its parking permit shall be displayed in its front and rear window so as to be clearly visible from the street.

(7) When the vehicle is parked, its engine shall not be run for a total of more than fifteen (15) minutes between the hours of 10:00 p.m. and 7:00 a.m. (Ord. 1238 §1(part), 1986)

#### **Sec. 10-10-40. Application.**

An application for such parking permit shall be submitted to the Director of Community Development and shall include:

(1) The name, address and telephone number of the applicant, which applicant must reside on the subject property and be either the registered owner of the vehicle or otherwise responsible for it;

(2) A plot plan of the property, including the proposed parking location of the vehicle;

(3) If the applicant is not the owner of the subject property, a statement of approval signed by the owner of the property on which the vehicle is to be parked;

(4) The make, model, year of manufacture, color, vehicle identification number, license plate number and state of registration of the vehicle;

(5) A list of the name and address of the principal resident of each property within a radius of one hundred (100) feet of the proposed parking location of the vehicle;

(6) A statement of approval signed by the principal resident of each property within a radius of one hundred (100) feet of the proposed parking location of the vehicle agreeing that such residents have no objection to the granting of the permit; and

(7) An application fee of twenty-five dollars (\$25.00). (Ord. 1238 §1(part), 1986)

#### **Sec. 10-10-50. Consideration for granting permit.**

The Director of Community Development shall review the application and, in reaching his or her decision as to whether the permit shall be granted, shall consider the following:

- (1) The concerns and desires of the residents of the immediate neighborhoods;
- (2) Any unnecessary and substantial hardship that may result from denial of the permit;
- (3) Noise or odor problem which may result from the granting of such a permit;
- (4) Alternate parking locations available to the applicant;
- (5) Compatibility of the proposed parking of such vehicle with the neighborhood; and
- (6) The public health, safety and welfare of the residents of the City. (Ord. 1238 §1(part), 1986)

**Sec. 10-10-60. Conditions.**

The Director of Community Development may impose such reasonable conditions as he or she deems appropriate for granting of the permit. (Ord. 1238 §1(part), 1986)

**Sec. 10-10-70. Term of permit.**

Any permit authorized pursuant to this Article shall be valid for a period of one (1) year and may be renewed subject to the terms and conditions provided for in this Article for initial application for such permit; except that in the event the City has received no valid complaints concerning parking of the subject vehicle during the previous permit period, the Director of Community Development shall grant a renewal of such permit without fee. (Ord. 1238 §1(part), 1986)

**Sec. 10-10-80. Appeal of decision.**

A decision of the Director of Community Development rendered pursuant to this Article may be appealed to the Zoning Board of Adjustment by any interested party within thirty (30) days of decision of the Director of Community Development, and such appeal shall be heard by the Zoning Board of Adjustment pursuant to notice, procedure and fee payments in the same manner as an application for a variance pursuant to the zoning ordinance of the City. (Ord. 1238 §1(part), 1986)

**Sec. 10-10-90. Revocation of permit.**

Any permit issued pursuant to this Article may be revoked for cause after notice to the applicant and hearing thereon. Such hearing on the revocation shall be conducted by the Director of Community Development if the permit was issued by him or her and, if issued by the Zoning Board of Adjustment, such hearing shall be conducted by the Zoning Board of Adjustment. (Ord. 1238 §1(part), 1986)

## **ARTICLE 10-11**

### **Illegally Parked Vehicles**

**Sec. 10-11-10. Summons and complaint for illegally parked vehicles.**

If the driver or owner of an unattended vehicle charged with a violation of the provisions of this Code relative to keeping, storing and parking of vehicles in the City, does not respond within the time specified in the summons and complaint affixed to such vehicle by appearance or payment at the Traffic Violations Bureau, or appearance in the Municipal Court, the Clerk of the Court or Traffic Violations Bureau shall send a second notice by regular mail, postage prepaid to the last known address of such person, to which

the original summons and complaint was directed, warning such person that in the event the summons and complaint are disregarded, a warrant of arrest for such person will be issued. The second notice shall contain a date and time certain for the named person to appear in Court. (Ord. 1239 §1, 1986)

## **ARTICLE 10-12**

### **Railroads**

#### **Sec. 10-12-10. Maximum speed restricted.**

No person shall move, drive or propel or cause to be moved, driven or propelled any railroad car or locomotive engine on or over any portion of a railroad through the City at a rate of speed exceeding forty (40) miles per hour except:

(1) That when in its course of movement a train or locomotive has reached and fully occupied the Bromley Lane or County Line Road crossings, the speed limit hereinabove imposed shall not thereafter apply to or restrict the speed of such movement; and further

(2) That the speed restriction herein imposed is not applicable and shall not be imposed upon that portion of the railroad located within the following-described area until such time as the following-described area becomes urbanized:

a. That portion of Union Pacific Railroad right-of-way extending south of Bromley Lane to the southernmost City limit boundary; and

b. That portion of Union Pacific Railroad right-of-way extending north of County Line Road to the northernmost City limit boundary. (Ord. 1093 §1, 1982; Ord. 1589, 1999)

#### **Sec. 10-12-20. Obstruction of public right-of-way.**

No person shall obstruct or cause or permit the obstruction of the free passage on any public right-of-way within the City by means of any railroad car or locomotive engine, for a period of time exceeding five (5) consecutive minutes. (Ord. 806 §2, 1975; Ord. 1589, 1999)

#### **Sec. 10-12-30. Violation; penalty.**

Any person convicted of a violation of this Article may be punishable as provided by Article 1-24 of this Code. (Ord. 806 §2, 1975)